

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, June 27, 2013
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Rosalinh Ung, Associate Planner
Benjamin M. Zdeba, Assistant Planner

B. MINUTES of June 13, 2013

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 Uptown Newport Parcel Map No. NP2013-010 (PA2013-085)
4311 and 4321 Jamboree Road, N/S of Jamboree Road between Birch Street
and MacArthur Boulevard CD 3

Rosalinh Ung, Associate Planner, provided a brief project description stating that the application was a tentative parcel map to subdivide the existing two parcels located on the Uptown Newport site into four parcels for future conveyance purposes. No development or improvements are proposed as a part of this application. This application was continued from the June 27th Zoning Administrator hearing in order for staff to work with the applicant to determine the recordation timing of the proposed tentative parcel map. This application is to accommodate the future development of Uptown Newport mixed-use residential development which consists of up to 1,244 residential units and 11,500 square feet of retail use.

Ms. Ung stated there were proposed changes to Conditions Nos. 6 and 11 as highlight in the June 27th Zoning Administrator draft resolution and indicated that the following additional changes were proposed for Condition No. 11:

“Prior to recordation of Tentative Parcel Map No. NP2013-010, the Master Site Development Plan required pursuant to Condition No. 52 for Tentative Tract Map No. 17438 shall be approved by the Planning Commission.”

Applicant Brian Rupp of Shopoff Group, on behalf of the Uptown Newport LP, stated that he had reviewed the draft resolution and agreed with the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, commented on the duration of the lease for the TowerJazz facility, the proposed declaration of easements, the proposed parcel map and its consistency with the Uptown Newport Phasing Plan, and the draft findings stated in the draft resolution. Mr. Mosher also proposed a minor change to draft Condition No. 7, suggesting “created by the approval” be deleted and replace with “shown on”.

There were no other public comments. The Zoning Administrator closed the public hearing.

The Zoning Administrator commented on the operations of the future project, including the TowerJazz lease, and stated that these issues were not part of the scope of the proposed parcel map application. Also, the proposed declaration of easements stated in the June 13th Zoning Administrator staff report is included as Attachment ZA 3 and is consistent with what was presented before and must be reviewed and approved by the Public Works Department as stated in Condition No. 10 of the draft resolution.

The Zoning Administrator verified with the applicant that the proposed parcel map is consistent with the Phasing Plan. The applicant stated that the proposed parcel map is an interim process/step to create parcels for future developers to purchase and no development is proposed; and when the final tract map is recorded these parcels will be consistent with the Phasing Plan. The applicant also stated there are physical features on the site that require some differences to the parcel map lines due to the existing improvements i.e., TowerJazz building and its parking lot and substation.

The Zoning Administrator commented that the Master Site Development Plan application, which is currently being considered by the City, will ensure that the entire development will be consistent with the Uptown Newport Planned Community and indicated that the anticipated Planning Commission hearing date for the Master Site Development Plan is August 22, 2013. The Zoning Administrator then took action and approved Tentative Parcel Map No. NP2013-010 with minor changes to Condition Nos. 6, 7, and 11.

Action: Approved

ITEM NO. 2 Hula Dog Minor Use Permit No. UP2013-008 (PA2013-107)
2233 W. Balboa Boulevard, Unit 109

CD 1

Makana Nova, Assistant Planner, provided a brief project description and explained the request to allow a take-out service, limited use restaurant. The tenant space is 930 square feet in gross floor area and would accommodate 426 square feet of net public area (customer service area) with a maximum of six seats. The parking provided on the property is nonconforming and the Coastal Development Permit (CDP) limits uses to the minimum 1/250 square foot parking rate, consistent with retail uses. The proposed take-out service, limited use classification has a 1/250 square foot parking requirement, consistent with this limitation.

Applicant, Ken Kowalaki, of Hula Dog, stated that he had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, commented on the application. Mr. Mosher questioned staff's interpretation of the CDP that limits the intensity of uses, stating he believed that any change in the intensity of retail uses would trigger a new CDP. He then suggested allowing more flexibility for the morning hours of operation, so that the applicant could operate in the morning hours without having to amend the minor use permit. Finally, he identified several edits to the draft findings and conditions in the draft resolution, proposing a minor addition to draft Condition No. 13, requiring a solid cover for the existing trash enclosure on-site.

There were no other public comments. The Zoning Administrator closed the public hearing.

The Zoning Administrator stated that on the basis of staff's interpretation of the existing CDP, the proposed use is consistent with the retail intensity of the existing property and is thus, exempt from the requirement for a new CDP. The Zoning Administrator accepted Mr. Mosher's suggestions for the findings and conditions of approval, extending the hours of operation from 8:00 a.m. to 11:00 p.m. and adding the suggested language for Condition No. 13 regarding the trash enclosure. The Zoning Administrator found the requested application was appropriate in this case and took action to approve Minor Use Permit No. UP2013-008.

Action: Approved

ITEM NO. 3 Birch Street Off-Site Construction Yard - Limited Term Permit No. XP2013-004
(PA2013-111)
20372 -20412 Birch Street CD 3

Zoning Administrator Brenda Wisneski noted that the application was continued by the Applicant.

Makana Nova, Assistant Planner, explained that the Santa Ana Heights Specific Plan provides a number of development standards for temporary uses, which may render the proposed off-site construction yard infeasible. The applicant is looking into other sites to meet their project's needs. Thus, staff suggested tabling the item to allow the applicant to identify a viable alternative.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

The Zoning Administrator found that the request was appropriate and took action to table Limited Term Permit No. XP2013-004.

Action: Tabled

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The hearing was adjourned at 4:05 p.m.

The agenda for the Zoning Administrator Hearing was posted on June 21, 2013, at 2:30 p.m. on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive and on the City's website on June 21, 2013, at 3:05 p.m.

Brenda Wisneski, AICP, Zoning Administrator